

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher Anderson	Team: Squad #11	CCRB Case #: 201803055	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/27/2018 9:00 AM	Location of Incident: [REDACTED]	Precinct: 120	18 Mo. SOL 9/27/2019	EO SOL 9/27/2019	
Date/Time CV Reported Thu, 04/19/2018 5:02 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 04/19/2018 5:02 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Andrew Fago	02171	928265	NARCBSI
2. Officers			NARCBSI
3. An officer			NARCBSI

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Vincent Agostino	3764	945355	NARCBSI
2. CPT Theodore Lauterborn	00000	897840	NARCBSI
3. SGT Jesse Pinto	04505	939233	NARCBSI
4. DT3 Anthony Massoni	1823	943534	NARCBSI
5. DT2 James Malpeso	02939	932948	NARCBSI
6. DT2 Brendan Obrien	06356	922883	NARCBSI
7. DT3 Jennifer Childs	02022	929887	NARCBSI
8. POM Dominick Libretti	03616	951918	NARCBSI
9. POM Stephen Napolitano	02399	948100	NARCBSI
10. DT3 Stacy Bowen	03273	931824	NARCBSI

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Andrew Fago	Abuse: At Scribner Avenue and Jersey Street in Staten Island, Detective Andrew Fago stopped the vehicle in which § 87(2)(b) was an occupant.	[REDACTED]
B.DT3 Andrew Fago	Discourtesy: At Scribner Avenue and Jersey Street in Staten Island, Detective Andrew Fago spoke discourteously to § 87(2)(b)	[REDACTED]
C.DT3 Andrew Fago	Abuse: At Scribner Avenue and Jersey Street in Staten Island, Detective Andrew Fago frisked § 87(2)(b)	[REDACTED]
D.DT3 Andrew Fago	Abuse: At Scribner Avenue and Jersey Street in Staten Island, Detective Andrew Fago searched § 87(2)(b)	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
E. An officer	Abuse: At Scribner Avenue and Jersey Street in Staten Island, an officer threatened to damage § 87(2)(b)'s property.	
F. An officer	Abuse: At Scribner Avenue and Jersey Street in Staten Island, an officer threatened to arrest § 87(2)(b).	
G.DT3 Andrew Fago	Abuse: Detective Andrew Fago entered § 87(2)(b)'s Apt. 1, in Staten Island.	
H.DT3 Andrew Fago	Abuse: At § 87(2)(b) in Staten Island, Detective Andrew Fago refused to show the search warrant to § 87(2)(b).	
I.DT3 Andrew Fago	Discourtesy: At § 87(2)(b) in Staten Island, Detective Andrew Fago spoke discourteously to § 87(2)(b).	
J. An officer	Discourtesy: At § 87(2)(b) in Staten Island, an officer spoke discourteously to § 87(2)(b) and § 87(2)(b).	
K. An officer	Force: At § 87(2)(b) in Staten Island, an officer pointed his gun at § 87(2)(b).	
L.DT3 Andrew Fago	Abuse: Detective Andrew Fago searched § 87(2)(b) in Staten Island.	
M. Officers	Abuse: At § 87(2)(b) in Staten Island, officers damaged § 87(2)(b)'s property.	
N. Officers	Abuse: At § 87(2)(b) in Staten Island, officers stopped § 87(2)(b).	
O. Officers	Abuse: At § 87(2)(b) in Staten Island, officers detained § 87(2)(b).	
P. Officers	Discourtesy: At § 87(2)(b) in Staten Island, officers spoke discourteously to § 87(2)(b).	
Q. An officer	Abuse: At § 87(2)(b) in Staten Island, an officer threatened to arrest § 87(2)(b).	
R. Officers	Abuse: At § 87(2)(b) in Staten Island, officers searched § 87(2)(b).	

Case Summary

On March 27, 2018, at approximately 9:00 a.m., § 87(2)(b) drove her vehicle to the home of § 87(2)(b) located at § 87(2)(b) in Staten Island. She met § 87(2)(b) outside, exited her vehicle, and § 87(2)(b) entered it and drove away. In the vicinity of Scribner Avenue and Jersey Street, § 87(2)(b) stopped his vehicle at a traffic signal and heard Det. Andrew Fago of Narcotics Borough Staten Island allegedly say, "Get the fuck out the car" (Allegation A -Abuse of Authority: Vehicle stop, § 87(2)(g)) (Allegation B - Discourtesy: Word, § 87(2)(g)), which he did. Det. Fago frisked (Allegation C -Abuse of Authority: Frisk, § 87(2)(g)) and searched § 87(2)(b)'s clothing by inserting his hands into his pockets and removing items from them (Allegation D -Abuse of Authority: Search (of person, § 87(2)(g))).

An officer asked § 87(2)(b) whether he had guns and drugs inside his home, allegedly adding that if § 87(2)(b) did not tell the truth, officers would "destroy" his home (Allegation E -Abuse of Authority: Threat to damage/seize property, § 87(2)(g)) and arrest his wife, § 87(2)(b) (Allegation F- Abuse of Authority: Threat of arrest, § 87(2)(g)).

Det. Fago and other officers of Narcotics Borough Staten Island, including Det. Vincent Agostino, Det. Anthony Massoni, Det. Stacy Meigs, and Det. Jennifer Childs, entered § 87(2)(b) (Allegation G -Abuse of Authority: Premises entered, § 87(2)(g)). § 87(2)(b) requested to see the search warrant, and Det. Fago allegedly said, "We don't have to show you shit" (Allegation H -Abuse of Authority: Refusal to show search warrant, § 87(2)(g)) (Allegation I -Discourtesy: Word, § 87(2)(g)).

An officer allegedly shouted the instruction to "get the fuck on the floor" (Allegation J - Discourtesy: Word, § 87(2)(g)) to the apartment's occupants, and an officer allegedly pointed his gun at § 87(2)(b) (Allegation K -Force: Gun pointed, § 87(2)(g)). Officers, including Det. Fago, searched the apartment (Allegation L -Abuse of Authority: Search of premises, § 87(2)(g)). Officers inside § 87(2)(b)'s apartment allegedly broke a safe in order to access its interior (Allegation M -Abuse of Authority: Property damaged/seized, § 87(2)(g)).

As officers searched the apartment, § 87(2)(b) stood outside it, and an officer allegedly instructed her to stand against a nearby wall (Allegation N -Abuse of Authority: Stop, § 87(2)(g)). She was handcuffed and held there for approximately 45 minutes (Allegation O -Abuse of Authority: Other, § 87(2)(g)). As officers exited the apartment, § 87(2)(b) shouted to officers. An officer allegedly told her, "Shut the fuck up" (Allegation P- Discourtesy: Word, § 87(2)(g)), and another officer allegedly told her, "Shut the fuck up or we'll arrest you" (within Allegation P) (Allegation Q- Abuse of Authority: Threat of arrest, § 87(2)(g)). An officer allegedly searched § 87(2)(b)'s clothing (Allegation R- Abuse of Authority: Search (of person), § 87(2)(g)), and another officer allegedly searched her handbag (within Allegation R).

§ 87(2)(b) and no other civilians were arrested as a result of this incident, and he was charged with § 87(2)(b).

§ 87(2)(b) (Board Review 01).

No video footage was recovered in this case.

Findings and Recommendations

Allegation (A) Abuse of Authority: At Scribner Avenue and Jersey Street in Staten Island, Detective Andrew Fago stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Discourtesy: At Scribner Avenue and Jersey Street in Staten Island, Detective Andrew Fago spoke discourteously to § 87(2)(b)

Allegation (C) Abuse of Authority: At Scribner Avenue and Jersey Street in Staten Island, Detective Andrew Fago frisked § 87(2)(b)

Allegation (D) Abuse of Authority: At Scribner Avenue and Jersey Street in Staten Island, Detective Andrew Fago searched § 87(2)(b)

Allegation (E) Abuse of Authority: At Scribner Avenue and Jersey Street in Staten Island, an officer threatened to damage § 87(2)(b)'s property.

Allegation (F) Abuse of Authority: At Scribner Avenue and Jersey Street in Staten Island, an officer threatened to arrest § 87(2)(b)

§ 87(2)(b) stated (Board Review 02) that he exited his home, § 87(2)(b) in Staten Island, entered a vehicle, and sat in it for several minutes before driving to an intersection, where he stopped the vehicle. Officers exited vehicles that stopped nearby, and Det. Fago instructed § 87(2)(b) to “get the fuck out the car,” which he did. § 87(2)(b) recognized Det. Fago as his arresting officer in three prior interactions. § 87(2)(b) was frisked and searched, and items were removed from his pants pockets. § 87(2)(b) was unable to attribute these actions to specific officers. Officers spoke with § 87(2)(b) about drugs, and an unidentified male officer told § 87(2)(b) that if he lied about the presence of drugs in his home, he would “destroy” the home and arrest § 87(2)(b).

Det. Fago stated (Board Review 03) that after obtaining two warrants, one for the search of § 87(2)(b) in Staten Island (Board Review 04) and one for the search of § 87(2)(b)'s person (Board Review 05), he traveled to the vicinity of § 87(2)(b)'s home, where he saw an individual, who he recognized to be § 87(2)(b) from prior search warrant executions at the same location and from reconnaissance he performed observing the location prior to obtaining the warrants in this case, exit the warrant target location, enter a vehicle, and drive to a nearby intersection. Det. Fago and Det. Agostino stopped the vehicle § 87(2)(b) drove. Det. Fago did not recall instructing § 87(2)(b) to exit the vehicle and did not instruct § 87(2)(b) to “get the fuck out” of his vehicle or hear any officer do so. Det. Fago frisked and searched § 87(2)(b).

Det. Fago informed § 87(2)(b) of the reason he had been stopped and that a search warrant would be executed at his home. Det. Fago did not tell § 87(2)(b) that officers would “destroy” his apartment or arrest his wife if he lied about the location of drugs, and he did not hear any officer make either of these statements.

Det. Agostino (Board Review 06) and Det. Massoni (Board Review 07) both participated in the stop of the vehicle § 87(2)(b) drove. Det. Agostino did not recall any officer instructing § 87(2)(b) to “get the fuck out” of his vehicle, and no officer Det. Agostino recalled being present for the vehicle stop told § 87(2)(b) that officers would “destroy” his home and arrest his wife if he lied about the presence of drugs in his home. Det. Massoni did not instruct § 87(2)(b) to “get the fuck out” of his vehicle and did not hear any officer do so. Det. Massoni did not recall the content of any verbal interaction between § 87(2)(b) and officers during the vehicle stop.

any searches that officers conducted during the incident. Officers found a safe in the apartment and, after being informed by § 87(2)(b) that the only way to open it was to break it, officers broke the safe.

§ 87(2)(b) who remained outside the apartment for the entirety of the incident and did not witness what occurred inside it, stated (Board Review 11) that she heard individuals instruct the apartment's occupants to the "get the fuck on the floor." § 87(2)(b) requested to see a search warrant, and someone said, "We don't have to show you shit."

§ 87(2)(b) stated (Board Review 12) that after officers entered the apartment, an unidentified male officer whose appearance she could not recall, said, "Get down on the fucking floor." Officers recovered a safe inside the apartment, and, after the apartment's occupants informed them that the only way to open it was to break it, officers broke the safe.

§ 87(2)(b) stated (Board Review 13) that multiple officers entered the apartment, and one of them said, "Get the fuck on the floor." An officer removed § 87(2)(b) and § 87(2)(b) from the bedroom they had been inside, and another officer pointed a gun equipped with what he thought to be a "red dot sight" at him.

Det. Fago stated that as officers began forcibly opening the apartment's entry door, § 87(2)(b) opened it from the apartment's interior. Officers entered the apartment, and Det. Fago displayed the search warrant to § 87(2)(b) who did not request to see it during the incident. Det. Fago did not tell § 87(2)(b) "We don't have to show you anything" or, "We don't have to show you shit." Neither Det. Fago nor any officer instructed the apartment's occupants to "get down on the fucking floor" or "get the fuck on the floor" or point a gun at any child within the apartment. Det. Fago did not recall a safe being inside the apartment or a safe inside the apartment being broken during the incident.

None of the other officers interviewed in this case acknowledged pointing their guns at § 87(2)(b) telling the apartment's occupants to "get the fuck on the floor," using profanity, seeing or hearing any other officer do so, or being aware of there having been a safe in the apartment or of a safe being broken.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (N) Abuse of Authority: At § 87(2)(b) in Staten Island, officers stopped § 87(2)(b)

Allegation (O) Abuse of Authority: At § 87(2)(b) in Staten Island, officers detained § 87(2)(b)

Allegation (P) Abuse of Authority: At § 87(2)(b) in Staten Island, officers spoke discourteously to § 87(2)(b)

Allegation (Q) Force: At § 87(2)(b) in Staten Island, an officer threatened to arrest § 87(2)(b)

Allegation (R) Discourtesy: At § 87(2)(b) in Staten Island, officers searched § 87(2)(b)

§ 87(2)(b) stated that she drove her vehicle to § 87(2)(b) where she exited it and § 87(2)(b) entered it and drove from the location. § 87(2)(b) called § 87(2)(b) and requested that she open the entry door to her apartment, and an officer said, “Get on the wall.” An officer handcuffed § 87(2)(b) and escorted her to a nearby window, where she sat down for approximately 45 minutes. Some of the officers present entered the apartment, and other officers remained outside with § 87(2)(b). § 87(2)(b) expressed concern to officers about what occurred inside the apartment, and an officer she could not describe told her to “shut the fuck up.” § 87(2)(b) shouted towards the apartment’s interior, and an officer exited it and told her that she would be arrested if she did not “shut the fuck up.” This officer searched § 87(2)(b)’s pockets, and a female officer searched her handbag. After officers left the location, they permitted § 87(2)(b) to leave.

None of the officers interviewed in this case, including the only two female officers present during the incident, acknowledged interacting with § 87(2)(b) seeing or hearing any officer do so, or seeing § 87(2)(b) present during the incident whatsoever. When presented with the photograph of § 87(2)(b) taken at her CCRB interview, no officer recognized her from this or any other incident.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) or § 87(2)(b) has been a party (Board Review 14, 15, 16, 17, and 18).
- Det. Fago has been a member-of-service for 17 years and has been a subject in eight CCRB complaints and 23 allegations, one of which was substantiated:
 - In 201302827, an Abuse – Stop allegation was substantiated. The Board recommended Instructions, and the NYPD imposed No Disciplinary Action.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.

